

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Puranshewar Kishan S/o.Late Narayana Rao and his daughter P.Shalini Aryanagar, Borgaon (P), Nizamabad District, under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Nizamabad issued in Proceedings No.C3/3205/2007, dated 24.01.2013 – Appeal Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 22

Dated: 23-06-2023

Read the following:-

1. Proceedings No.C3/3205/2007, dated 24.01.2013 of the Collector & District Magistrate, Nizamabad District.
2. Appeal Petition filed by Sri Puranshewar Kishan S/o. Late Narayana Rao and his daughter P.Shalini R/o. H.No.6-886/7(6-71), Aryanagar, Borgaon(P), Nizamabad District, dated 05.03.2013.
3. Govt. Memo.No.3441/CV.2/2013, dated 19.03.2013.
4. From the Commissioner of Tribal Welfare, letter Rc.No.500-957/TRI/TSV/VC-1, dated 24.08.2017.
5. From the Collector & District Magistrate, Nizamabad District, letter No.C2/3205/2007, dated 24.02.2020.
6. Govt. Notice No.3441/TW.LTR/2011, dated 21.09.2020.

ORDER:-

1. In the reference 1st read above, the Collector & District Magistrate, Nizamabad District in his Proceedings No.C3/3205/2007, dated 24.01.2013 has cancelled the following Kolawar ST Caste Certificate of the Appellant Sri Puranshewar Kishan S/o. Late Narayana Rao and his daughter (P.Shalini) Aryanagar, Borgaon(P), Nizamabad District;

i) A3/25925/06, dt.29.06.2006 (Mannervarlu, ST) &

ii) A3/46874/2006, dt.21.11.2006 (Kolawar ST)

obtained fraudulently by Kum.P.Shalini D/o P.Kishan R/o H.No.6-88-6/7/A, Aryanagar, Borgaon (P), Nizamabad presently residing at H.No.15-1-36/1, Plot No.404, Radhamadhav Towers, Nowroji Road, Otagaddi, Daspalla Hills, Vishakhapatnam – issued by Mandal Revenue Officer, Nizamabad;

and

iii) A3/29409/06, dt.15.7.2006 (Mannervarlu, ST) obtained by Sri Puranshewar Kishan S/o Narayan Rao (father of Kum.Shalini) resident of H.No.6-88-6/7/A, Aryanagar, Borgaon (P), Nizamabad issued by Mandal Revenue Officer, Nizamabad.

2. The gist of the cancellation orders of the Collector & District Magistrate, Nizamabad is as under;

- The Director of Tribal Welfare, AP, Hyderabad vide Rc.No.1907/2007/TRI/VC-1, dated 27.08.2007 has informed that Kum.Puran shetty war Shalini D/o P.Kishan R/o Aryanagar, Boargaon (P), Nizamabad has attended counseling for admission into MBBS/BDS during 2007-08 under ST quota claiming as Kolawar tribe and she produced a community certificate issued by the Mandal Revenue Officer, Nizamabad vide ref.No.A3/46874/2006, dated 21.11.2006 in support of her claim. Since there was prima facie doubt with regard to her social status, requested the District Collector, Nizamabad to place the matter before the DLSC and take necessary action as per Act 16 of 1993 and to send a copy of final report to the Registrar, NTR University of Health Sciences, Vijayawada under intimation to the Director, Tribal Welfare, AP, Hyderabad.
- Kum.Shalini and her father P.Kishan had submitted caste certificates, school and college certificates.

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- The District Tribal Welfare Officer, Nizamabad has conducted detailed enquiry and submitted report vide ref.No.F/16/2008, dated 26.7.2008 and concluded that Sri Puranshettywar Kishan does not belong to ST Mannervarlu community.
- The District Tribal Welfare Officer, Nizambad vide ref.No.D/16/2009, dated 22.03.2010 has reported that he has visited Adilabad District and enquired into the social status of P.Kishan at Adivasinagar, Sirpur (T). He examined the caste certificate of viz., Sri Gaddam Namdev S/o Bapu R/o Chinthakunta belongs to Mannevarula (Kolawar) ST caste issued by the Mandal Revenue Officer, Sirpur, relative of Sri P.Kishan and also enquired with Sri Sunke Kistaiah, President, Akhila Bharatiya Adivasi Mannerwar (Kolawar) Sankshema Seva Sangam, Asifabad which revealed that P.Shalini D/o Kishan belongs to Mannervarlu (Kolawar) ST caste. On 04.06.2011 Sri P.Kishan F/o. Kum.Shalini has filed an application along with a certificate issued by Tahsildar, Dahegaon (M) showing that his grandfather Sri Gaddam Bhumanna was a resident of Kothmir (V) of Dahegaon (M) Adilabad District who belongs to Mannervarlu community.
- The Tahsildar, Yedpally vide ref.No.B/1779/2012, dated 16.5.2012 has reported that Sri P.Kishan got intercaste marriage with P.Sujatha D/o Gangadhar caste BC-Munnurukapu in the year 1988 at Thanakalan (V) Yedpally (M).
- The case was finally taken on 02.06.2012 and the Committee has minutely examined all the maternal papers, records and documents made available as shown above.
- As seen from the above documents, it is clearly evident that the caste of Sri P.Kishan F/o P.Shalini in his entire school/college records is recorded as OBC Munnurwar i.e. right from 1st class to 12th class in Maharashtra State. Moreover the father of P.Shalini, Mr.P.Kishan got married to Smt.P.Sujatha who belongs to BC-Munnurkapu community.
- The Hon'ble High Court in W.P.No.4268/93, dated 17.10.2003 between Chilwari Sarojini Devi Vs Govt. of AP represented by Director of Tribal Welfare Department, Hyderabad & (2) others issued orders that the ST caste certificate considered in the State of Maharashtra cannot be considered in Andhra Pradesh State.
- The Mandal Revenue Officers, Nizamabad had issued the following caste certificates ST Mannervarlu certificate and later ST Kolawar certificate without proper field enquiry as the Mannervarlu caste does not exist in the Nizamabad District. The Mannervarlu Caste Certificate issued to Kumari Puranshettywar Shalini D/o P.Kishan and Sri P.Kishan S/o Narayan Rao based on the ST caste certificates issued in Maharashtra State Government.
- Finally, the District Level Scrutiny Committee after going through case details had recommended for cancellation of false ST-Mannervarlu community certificate obtained by Kum.P.Shalini and P.Kishan as detailed below:

i.	A3/25925/06, dated 29.06.2006 (Mannervarlu, ST) issued by Mandal Revenue Officer, Nizamabad.	..P.Shalini
ii.	A3/46874/2006, dt.21.11.2006 (Kolawar, ST) issued by Mandal Revenue Officer, Nizamabad.	..P.Shalini
iii.	A3/29409/06, dt.15.7.2006 (Mannervarlu, ST) issued by Mandal Revenue Officer, Nizamabad.	..P.Kishan

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- A show cause notice dated 21.7.2012 was issued to them. Kum.P.Shalini and her father attended before the DLSC and submitted school and college certificates/material.
- It was concluded that there is no Mannervar/Kolawar caste in Nizamabad Mandal and accordingly their caste certificates by the Mandal Revenue Officers, Nizamabad were cancelled under Section 5 (1) of AP (SC, ST & BC) Regulation of issue of Community Certificates Act 16/1993 read with Rule 9 (7) of AP (SC, ST & BC) Issue of Community/Nativity & Date of Birth Certificate Rules, 1997 communicated vide GO.Ms.No.58, Social Welfare (J) Department, dated 12.05.1997.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Nizamabad, the Appellants Sri Puranshetiwari Kishan S/o. Late Narayana Rao and his daughter (P.Shalini) Aryanagar, Borgaon(P), Nizamabad have filed the Appeal petition in the reference 2nd read above, under the Act 16 of 1993 stating that:

- i) In the Letter No.1907/ 2007/TRI/VC-1, dated 27.8.2007, the District Tribal Welfare Officer, Hyderabad asked the Collector and District Magistrate, Nizamabad to ascertain the caste status of Kum.P.Shalini, who is a off-spring daughter of ST (Mannervarlu) father and BC (Kapu) mother. Also to be ascertained whether the candidate is brought up in the surroundings and influence of her father's KOLAWAR ST community facing the disabilities and disadvantages of Tribal child socially, economically and educationally.
- ii) District Tribal Welfare Officer, Hyderabad wanted to be known that whether the Mandal Revenue Officer, Nizamabad has conducted proper enquiry before issuing the ST community certificate dated 21.11.2006 to the candidate Kum. P.Shalini D/o P.Kishan as per the guidelines of Government of India to determine ST status of off-spring of inter-caste married couples, and requested to place the matter before DLSC and take necessary action as per Act 16 of 1993 and rules thereunder.
- iii) Accordingly DLSC commenced their process of hearing on 27.10.2007 and concluded final hearing on 02.06.2012. The candidate and her father attended all the hearings and submitted all the documents, report asked in the hearing in support of the claim of the ST caste status.
- iv) The candidate and her father has satisfied the DLSC argument of proving the residential status of the parents of P.Kishan to enable them to trust that he belongs from Andhra Pradesh. He has submitted necessary documents of proving their origin in Andhra Pradesh with a certificate issued by Tahsildar, Dahegaon (M), District Adilabad (AP) dated 30.05.2011 that his grandfather Bhumannna caste: Mannervarlu was residing in Kothamir village, Dahegaon Mandal since last (60) years and left the village during Police Action conducted by the Indian Government against the Razakars.
- v) The candidate's father has stated in the hearing that the said inter caste marriage is arranged one with the consent of both parties. The Mandal Revenue Officer Yedpally, District Nizamabad in compliance of the order from DRO Nizamabad letter No.C3/3205/2007, dated 30.04.2012 in the subject matter of verification of ST Mannervarlu (Kolawar) caste certificate of Kum.P.Shalini D/o P.Kishan R/o Nizamabad and submitted the report stated that the both side family members are willfully, arrangedly this inter-caste marriage of P.Sujatha D/o Gangadhar caste: BC Munnurukapu with P.Kishan, caste ST in 1988 at Thanakalan village of Yedpally Mandal.
- vi) Even though the District Tribal Welfare Officer, Hyderabad letter dated 27.08.2007 certifies that father of the candidate and his paternal blood relatives belong to MANNERVARLU community, still DLSC feels that it is to be ascertained from his maternal uncle who stays in Asifabad, District

Adilabad that whether the candidate has brought up and grown up in the influence of his father or not. The District Tribal Welfare Officer, Nizamabad has submitted the report vide Letter No.D/16/09, dated 22.03.2010 addressed to the District Collector, Nizamabad that P.Shalini D/o P.Kishan belong to Mannervarlu (Kolawar) ST caste.

- vii) The school records of Kum.P.Shalini from 1st class to 12th class perused by the DLSC and not found any irregularity in the matter of caste status mentioned in the education records revealed by the concerned educational institutions. The caste status of P.Kishan in school records obtained through reports from the concerned educational institutions and believed that it reveals that P.Kishan belong to OBC Munnurwar. In spite of request dated 30.07.2012, 27.08.2012, 19.09.2012 and 06.10.2012 for supply of the report obtained from those concerned educational institutions to defend his case against the reports by submitting his explanation. Not providing such reports and not affording any opportunity to defend his case and taking any decision against him is gross violation of principles of natural justice, that such order and notification is illegal,, arbitrary and liable to be set aside. The Hon'ble Minister can peruse the citation No.2003 (4) ALD 25 in the High Court of Judicature of Andhra Pradesh of Judge Mrs.T.MeenaKumari dated 02.05.2003 in WP No.12514 of 2002 of Bhaktvathsala Sukumar v. HPCL Visakhapatnam & others enclosed to this appeal.
- viii) The Hon'ble Collector & District Magistrate, Nizamabad mentioned a citation of Hon'ble High Court in WP No.4268/93, dt.17.10.2003 between Chilwar Sarojini Devi Vs Govt. of AP rep by DTWD Hyderabad & (2) others that the ST caste certificate considered in the State of Maharashtra cannot be considered in Andhra Pradesh. This is the case of the ORIGIN of the Maharashtra and certificate of the Maharastra used to obtain the employment in Andhra Pradesh. But his case is not that of referred in the order because his ORIGIN is Andhra Pradesh and the certificate obtained in Andhra Pradesh is submitted for the purpose of securing seat in EAMCET of Andhra Pradesh for which his daughter was otherwise eligible. A comparison statement of the case relates to factual position of the caste status of Kum.P.Shalini is enclosed for perusal and necessary.

Chilwar Sarojini Devi Petitioner's version dated 05.04.1993	Counter version of Sri G.Suresh, Reddy, DD SW Medak dt.11.03.2003	High Court order on 17.10.2003	Relativity/observations in comparison to case of P.Shalini, Applicant
Petitioner's origin is Talabkatta (v), Hingoli Tq. Parbhani Dist. MS.	Petitioner cannot be considered as a Member of the Scheduled Tribe in Andhra Pradesh.	Court also pinned that petitioner belongs to MS.	Applicant origin is Kothamir (v) Dahegaon (M) Dist. Adilabad, AP.
Father is AIR employee in Aurangabad, MS.	Later transferred to Hyderabad in 1963.	-----	Father Central Govt. employee.
Petitioner herself declared that they belong to Maharashtra Scheduled Tribes "Mannervarlu"	Declared that parents are residents of House No.1158 at Chawani, Cantonment, Aurangabad, MS.	Court is also contravenes the Article 19 of the Constitution.	Applicant has studied in AP and was eligible to write EAMCET 2007 under the Andhra Region.
The dispute in context with employment for the post of Matron, Grade-II in Hostel of Social Welfare Department, Medak.	The post is sponsored by Central Employment Exchange for reinstate the post which is reserved.	Found the respondent 3 well within the rule to cancel the appointment.	The doubt arose while admission in MBBS/BDS counseling questioning prima-facie doubt in ST Mannervarlu status.

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Petitioner was in impression that a Scheduled Tribe is Scheduled Tribe all over India and can apply for posts reserved for Scheduled Tribes as such condition that out of State candidate should not apply was not mentioned in the notification.	All the paternal & maternal relatives of the petitioners are residents of MS. The petitioner obtained caste certificate from Executive Magistrate, Aurangabad on 21.07.1989. In TC the caste column was dash.	Article 342 (1) the list of confined to State of MS only and if she migrates from that State to State of AP which is having its own notification list of ST having regard to the extent of disadvantages and social hardship suffered by them in State of AP.	The DTWD Hyderabad has enquired all the aspects on 13.08.2007 and issued proceedings to Collector, Nizamabad to ascertain whether Mandal Revenue Officer, Nizamabad conducted proper enquiry before issuing the ST community certificate to the applicant as per the guidelines of GoI to determine ST status of offspring of inter-caste married couple.
Otherwise she is eligible to apply for the post.	Final opinion that she belongs to MS.	Court also pinned the same.	The DTWD Hyderabad stated that father is ST and mother is BC.
Provisionally selected and posting orders kept in abeyance.	She is not eligible to claim the post as per Constitution.	Court also contradicted her eligibility.	Mandal Revenue Officer Yedapally certified that the inter-caste marriage is arranged with mutual consent of the parents of Kishan & Sujatha.
On 05.09.1993 an impugned order issued for cancellation of the post. Petitioner prayed for quashing the impugned order.	The Article 342 postulates that a person who is recognized as a member of Scheduled Tribe in his original State will be entitled to the benefits in that State alone and not in all the parts of the country, wherever he migrates. In view of the said constitutional mandate the petitioner herein not entitled for ST status in AP.	According to Article 342 the SC/ST persons who have migrated from his/her State of origin to some other State for the purpose of seeking education or employment will be deemed to be a SC/ST of the State of his/her origin and will be entitled to derive the benefits from the State of origin and not from the State to which he/she has migrated.	The DTWO Nizamabad on the instructions from DLSC/Collector (also being a member to the DLSC) made personal enquiry about the applicant whether she has grown up in the influence of the father and submitted report on 22.03.2010 hold good to determine her status in ST Mannervarlu to approve the caste status by Hon'ble Collector, for.

4. The Appellants Puranshethwar Kishan and his daughter Shalini have also submitted the following as part of their Appeal grounds through an Affidavit.

- i) The orders passed by the District Collector & Magistrate, Nizamabad dated 24.01.2013 cancelling the caste certificate issued to them is oppose to law and contrary to the provisions of the Act 16 of 1993.
- ii) The erroneous conclusion of the District Collector & Magistrate, Nizamabad mentioned in WP No.4268/93, dt.17.10.2023 of Hon'ble High Court para 3 of page No.4 of the Order has no relevancy to our case.
- iii) The further observation of District Collector & Magistrate, Nizamabad that the Mandal Revenue Officer, Nizamabad issued the community certificate without proper field enquiry is far from the truth for the reason that either the DLSC or the Collector never examined the authorities during the course of the enquiry or called for the records relating to the caste certificate issued to them. Thus the District Collector & Magistrate, Nizamabad acted beyond Section 5 of the Act and failed to comply the statutory provisions.

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- iv) The erroneous observations of District Collector & Magistrate, Nizamabad that the status of P.Sujatha is the determining factor of their caste is absolutely oppose to the constitutional provisions.
- v) The further observations of District Collector & Magistrate, Nizamabad that there is no caste of Mannervarlu/Kolawar in Nizamabad Mandal is erroneous.
- vi) The District Collector & Nizamabad categorically mentioned that the caste recorded in school records from 1st class to Xth class as OBC Munnurwar but whereas in Col.No.4 it is mention as OBC – Hindu. The District Collector & Magistrate, Nizamabad would have come to a different conclusion that the caste mentioned I to X is different from X - XII and also failed to examine the school authority to ascertain the fact that those records cannot form the basis to determine the caste since those records not maintained under any statutory guidelines and education rule of the Government.
- vii) The other observations of the District Collector & Magistrate, Nizamabad mentioned in the impugned order dated 24.01.2013 are absolutely oppose to law and therefore we earnestly request the appellate authority to set aside the orders passed by District Collector & Magistrate, Nizamabad in proceeding No.C3/3205/2007 dated 24.01.2013 and also to consider the ground of this affidavit by providing reasonable opportunity of hearing to explain more facts and submit further records, evidence in support of their social status.
- viii) The Hon'ble Collector & District Magistrate, Nizamabad passed an impugned order and notification dated 24.04.2013 for cancellation of the caste certificate of Kum.P.Shalini and Mr.P.Kishan without proper enquiry and not affording any opportunity of defending the reports which went adverse and not supplied those reports even after legitimate request. This is in gross violation of the principle of natural justice and prayed to grant stay for the order and notification No.C3/3205/2007 dated 24.01.2013 in the interest of justice.

5. In the reference 3rd read above, Government have admitted the appeal petition, granted stay on the operation of the orders of District Collector, Nizamabad in Proceedings C3/3205/2007, dated 24.01.2013 pending disposal of the appeal and also requested the District Collector, Nizamabad to furnish the original case records along with para-wise remarks to Government.

6. In the reference 5th read above, the Collector & District Magistrate, Nizamabad has submitted following para-wise remarks along with original record bearing file No.C2/3205/2007;

- i) Mr.Puranshetiwari Kishan & his daughter Kum. Puranshetiwari Shalini both R/o H.No.6-88-6/7A (6-71) Aryanagar, Borgaon (P), Nizamabad have fraudulently obtained false ST Mannervarlu caste certificate though they belonged to Munnurwar-BC community in Maharashtra State. Mr. Puranshetiwari Kishan studied SSC in the year 1980 from Hutatma Pansare High School, Dharmabad (M) Nanded District Maharashtra State and as per school records his caste is recorded as BC-Munnurwar Community. He studied HSC from Lal Bahadur Shastri College, Dharmabad (M) Nanded District in the year 1980-82 and his caste is recorded as OBC-Munnurwar community. He fraudulently obtained ST-Mannervarlu certificate from the Tahsil Office, Biloli, Nanded District and deceitfully secured employment in Andhra Bank in year 1983 as Clerk under ST category.
- ii) As per records of SindhuVidyalayam, Banswada, Kum.P.Shalini was born on 30.11.1988 at Dharmabad Tq., Nanded District in Maharashtra State and taking the advantage of false ST certificate, her father has got recorded her caste as ST in her school records though they belong to

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BC community. Kum. P. Shalini has obtained ST-Mannerwarlu certificate from the Sub Divisional Officer, Degloor vide ref.No.2435/A/MAG, T6CC-SC Sr.No., dated 14.10.1997 and later obtained another ST-Mannervarlu certificate from the Mandal Revenue Officer, Nizamabad vide ref.No.A3/25925/2006, dated 29.6.2006. Again in a short span of time she obtained another certificate as ST-Kolawar from the Mandal Revenue Officer, Nizamabad vide ref.No.A3/46874/2006, dt.29.11.2006. Unlike her father Kum. Shalini has also managed to secure seat in MBBS under ST quota.

- iii) Kum. Puranshewar Shalini has attended MBBS counseling claiming as belonged to ST-Kolawar community, since her claim was prima-facie found doubtful she was advised to attend before the Director, Tribal Welfare Department, Hyderabad. Kum. P. Shalini & her father Mr. P. Kishan have attended enquiry and given their deposition. In their deposition, Kum. P. Shalini has stated that she was born to Mr. Puranshewar Kishan (ST-Mannervarlu) & Smt. Puranshewar Sujatha (BC-Kapu) on 30.11.988 at Nizamabad and their native place is Borgaon-P, Nizamabad Rural Mandal & District and claimed that they belong to 'Gaddam' gothram and other gothrams in their community are Sunke, Bandi, Bursa & Atram which are uncommon among Kolawar/Mannerwarlu community. As per voter list of 2006 of Borgaon-P village of Nizamabad Rural, the caste of P. Kishan S/o Narayana (father) & Smt. Sujatha W/o Kishan (mother) are recorded as BC at Sl.No.2870 & 717. Finally, the Director, Tribal Welfare, Hyderabad vide letter No. 19072007/TRI/VC-1, dated 27.8.2007 has requested to place the matter before the Dist. Level Scrutiny Committee.
- iv) Aggrieved by the orders of the Director, Tribal Welfare, Hyderabad letter dated 27.8.2007, Kum. P. Shalini has approached the Hon'ble High Court and filed WP No.18343 of 2007. The Hon'ble High court vide order in WPMP No.23545 of 2007 in WP No.18343 of 2007 dated 13.8.2007 has directed the respondents No.2 & 3 therein to permit the petitioner to attend classes of MBBS 1st year and the admission of the petitioner will be subject to the result of the outcome of the enquiry. The appellant have drag the enquiry till she got completed her MBBS successfully. Soon after completion of her course she has filed a petition before the Hon'ble High Court in WP No.18343 of 2007 that the petition does not survive and the same has become infructuous and the same was dismissed as infructuous.
- v) Meantime the matter was got enquired, and the District Tribal Welfare Officer, Nizamabad vide ref.No.F/16/2008, dated 26.7.2008 has reported that he has visited Dharmabad Tq. Nanded District Maharashtra State and enquired into the caste of P. Kishan and verified admission No.272/1981-82 of Lal Bahadur Shastri Mahavidyalaya, Dharmabad and as per records the caste of Sri Puranshewar Kishan S/o Narayan Rao is recorded as OBC and finally concluded that Sri Puranshewar Kishan does not belong to ST Mannervarlu community. On receipt of enquiry report the matter was referred to the Dist. Level Scrutiny Committee, Nizamabad. Though the notice in Form-VI was issued to Kum. P. Shalini and got served but she remained absent on one or the other pretext and later sought adjournments. Kum. P. Shalini & P. Kishan did not file any conclusive, authentic proof in support of their claim. The committee has found that P. Kishan and his relatives are native of Nanded District of Maharashtra State and as per educational records P. Kishan belongs to BC community. Besides this the mother Smt. P. Sujatha belongs to BC-Kapu community of Nizamabad District. Thus the candidate and her parents do not belong to ST community. Finally, the Dist. Level Scrutiny Committee heard case of the appellants and concluded that the appellants do not belong to ST-Mannervarlu community and recommended for cancellation of false ST certificates obtained by Kum. Shalini & her father P. Kishan.

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- vi) A show cause notice was issued to Kum.P.Shalini & P.Kishan vide Collector, Nizamabad ref.No.C3/3205/2007, dated 21.7.2012 as to why the false ST certificates obtained by them from the Tahsildar, Nizamabad shall not be cancelled. A copy of all the documents, enquiry reports have been furnished to the candidates but they failed to submit explanation. Finally the false ST certificates of Kum.P.Shalini & P.Kishanwer cancelled vide Collector Nizamabad Procs.No.C3/3205/2007 dated 24.1.2013.
- vii) The appellants did not file any grounds on which this appeal is preferred and there are no bonafide grounds/reasons to be examined and decided in this appeal.
- viii) As per Sec.5 of the SC, ST & BC Regulation of Issue of Community Certificates Act, 1993, the powers are delegated to the District Collector and either on suomoto or on a written complaint by any persons, call for the records and enquire into the correctness of such certificates and if he is of the opinion that the certificate was obtained fraudulently, he shall by notification, cancel the certificate after giving the person concerned an opportunity of making a representation. In this instant case, on the report of the Director, Tribal Welfare Department, Hyderabad an enquiry was initiated into the false ST-Mannervarlu claim of the appellants and after enquiry it was found that appellants do not belong to ST community and as such the false ST certificates were cancelled after giving them the opportunity of personal hearing, show cause notice and thus the action taken by the Dist. Collector is apt and appropriate and within the provision of Act 16 of 1993.
- ix) The Appellants are native of Maharashtra State and they are not entitled to claim the caste certificate to which they belong in the State to which they have migrated and the citation quoted in the orders is apt and very much applies to this case. The appellant has cheated the Government as well as the deprived rights of the genuine ST people and secured employment/admission in the category reserved for ST community though in reality they belong to BC community and the acts of the appellants are liable for punishment as per Act 16 of 1993.
- x) The appeal filed by the Appellant is not based on the records, and the appellant have not mentioned any specific grounds. The appellants were given an opportunity of show cause before passing the orders U/s 5 (1) of the Act 16 of 1993 but they have failed to prove their case. As per Sec.6 of the said Act, the burden of proving that he or she belongs to such caste, tribe or class shall be on the claimants. There are ample evidence on records against the appellants that they do not belong to ST community and are native of Maharashtra State and obtained false ST certificates to secure employment/admission into MBBS. School records of 1995 of Kum.P.Shalini reveals that she was born at Maharashtra State but during enquiry she falsely, intentionally deposed that she was born at Nizamabad. The appellants did not put forth any evidence that Kum. P.Shalini was born at Nizamabad and she and her father are native of Nizamabad District.
- xi) The mother Smt. P.Sujatha belongs to BC-Kapu community and she admitted. The averments which are admitted need not to be proved. The father P.Kishan is BC as per the educational records, thus both the parents of Kum. P.Shalini belongs to BC community and it is proved.
- xii) There are ample evidence on records to prove that P.Kishan belongs to BC community. The Head Master, H.Pansare High School, Dharmabad has sent the records where P.Kishan studied and his caste is recorded as BC. The caste of the pupil/students are recorded either on the declaration of the parents or the candidate himself and is considered as an authenticated piece of evidence.

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- xiii) As many as number of opportunities were given to Kum. P.Shalini & P.Kishan to appear before the Committee. Many a times they refused to take notices, at last the same was served on Kum.P.Shalini through her Principal and similarly P.Kishan also refused to receive the notice and lastly it was got served through his employer i.e. Andhra Bank, this itself shows the reluctant behavior of the appellants. They did not produce any evidence and dragged the matter till she completed her MBBS course. The appellants have failed to submit explanation to the show cause notice.
- xiv) The false ST caste certificates obtained by the appellants viz. Kum.Puranshewar Shalini from the then Mandal Revenue Officer, Nizamabad vide ref.No.A3/25925/06, dated 29.06.2006 as ST-Mannervarlu & A3/46874/ 2006, dated 21.11.2006 as ST-Kolawar and similarly the false ST-Mannervarlu caste certificate obtained by Puranshewar Kishan from the then Mandal Revenue Officer, Nizamabad A3/29409/06, dated 15.7.2006 were cancelled. The cancellation orders passed by the Dist. Collector, Nizamabad issued in Procs.No.C3/ 3205/2007, dated 24.01.2013 does not suffer from any legal infringement. Thus the appeal filed by the appellants is not maintainable and deserves no consideration and liable to be dismissed.

7. The Commissioner of Tribal Welfare, TS, Hyderabad vide his letter Rc.No.500-957/2017/TRI/TSV/VC-1, dated 24.08.2017 has submitted the Verification report – gist of which is as under:

8. Upon perusal of the evidences available on record, it is found that the issue of enquiry into the caste status of Kum.P.Shalini and her father P.Kishan arose in the year 2007 when it was referred by the Registrar, Dr.NTR University of Health Sciences, Vijayawada to the Director of Tribal Welfare, AP Hyderabad wherein Kum.P.Shalini applied for admission into MBBS/BDS courses during 2007-08 under Scheduled Tribe quota claiming to belong to KOLAWAR tribe (as per Merit Rank No.13007).

9. The Director of Tribal Welfare, AP, Hyderabad has enquired into and prima-facie case on careful examination of statement of the candidate and her father about their genealogical and ethnographic details of their relatives and community and other evidences produced by them like caste entries in the Voter List of Borgaon (P) Gram Panchayat, mother belongs to BC MunnuruKapu community – therefore, referred the matter to the District Collector, Nizamabad for detailed inquiry through DLSC as per Act 16 of 1993.

10. In the meantime, the Kum.P.Shalini, one of the appellants have approached the Hon'ble High Court and obtained interim direction to attend classes in MBBS course and her admission will be subject to the outcome of the enquiry.

11. The Collector & District Magistrate, Nizamabad following due procedure in accordance with law i.e. provisions under the Act 16 of 1993 and the Rules framed there under in 1997 had conducted enquiry into the caste ST status of Kum.P.Shalini and her father P.Kishan and found them not belonging to ST Mannervarlu caste. Accordingly, as per the provisions of law, issued orders cancelling their Mannervarlu ST caste certificates obtained by them fraudulently from the Mandal Revenue Officer, Nizamabad.

12. In the reference 6th read above, notices were issued to the appellants and all other concerned to attend for the hearing on 29.09.2020. The Appellant and his counsel called absent.

13. The appellants have been given sufficient opportunities of personal hearing and time both before the DLSC and before the Government but failed to prove their case. Hence, there is no point to keep the case pending any further.

Contd...10)

14. The Government have examined the Appeal of the Appellant Sri Puranshewar Kishan S/o. Late Narayana Rao and his daughter (P.Shalini) Aryanagar, Borgaon(P), Nizamabad and with reference to the evidences available on record and placing reliance on the judgement of the Hon'ble High Court in WP No.4268/93, dated 17.10.2003, the appeal filed by the Appellants Kum.P.Shalini and her father P.Kishan is found devoid of merits.

15. Therefore, the Appeal filed by Appellant Sri Puranshewar Kishan S/o. Late Narayana Rao and his daughter (P.Shalini) Aryanagar, Borgaon(P), Nizamabad is hereby DISMISSED upholding orders of the Collector & District Magistrate, Nizamabad in Proceedings No.C3/3205/2007, dated 24.01.2013.

16. The Collector and District Magistrate, Nizamabad District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Nizamabad District (By RPAD)

Sri Puranshewar Kishan S/o. Late Narayana Rao

R/o. H.No.6-886/7(6-71), Aryanagar, Borgaon(P), Nizamabad District (By RPAD).

Kum. P.Shalini D/o. Puranshewar Kishan, R/o. H.No.6-886/7(6-71), Aryanagar,
Borgaon(P), Nizamabad District (By RPAD)

Copy to:-

The Revenue Divisional Officer, Nizamabad.

The Tehsildar, Nizamabad Mandal, Nizamabad District. (By RPAD)

(Serve the copy to the appellants)

The Director, TCR&TI, TS, Hyderabad.

The P.S. to Minister for ST Welfare.

The PS to Secretary to Govt. (TW)

The PA to Special Secretary to Govt.(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.